

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTOS HERNANDEZ, EMANUEL DE JESUS LIEVANO,
MIGUEL ANTONIO VASQUEZ.

Plaintiffs,

March, 04 2025

20-cv-04026 (NCM) (SIL)

- against -

ROSSO UPTOWN LTD, MICHAEL TIZZANO,
MASSIMO GAMELLA,

defendants,
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FILED
3.11.2025
in the Clerk's Office
U.S. District Court,
EDNY, Brooklyn
Pro Se Office via
Electronic Portal

MOTION TO WITHDRAW COUNSEL AND REQUEST TO PROCEED PRO SE

TO THE HONARABLE COURT AND JUDGE NATASHA C. MERLE:

I, MICHAEL TIZZANO, defendant in the above captioned case, respectfully submit this Motion to Withdraw Counsel and request permission to proceed pro se.

1. **Background:** I, along with Mr. Gammella, am a defendant in this matter. We initially represented ourselves prose. Upon the court's recommendation, Mr. Gammella retained counsel to represent the corporate defendant, Rosso Uptown LTD. The retained attorney subsequently undertook representation of all defendants, including myself, and offer his help in reaching an agreement with opposing lawyer, Mr. Moser.
2. **Reason for This Motion:** I have observed increasing hostility from opposing counsel, Mr. Moser, in reaching a reasonable settlement. Additionally, I have experienced difficulties in receiving timely responses to critical communications, despite the fact that key deadlines were, and are approaching.
3. **Deposition Concerns:** Mr. Moser requested to depose the witnesses we produced. In response, we provided alternative dates for their depositions (as negotiations were supposedly in progress), however, Mr. Moser has not responded. These witnesses and their testimony/statements are critical to establishing my position in

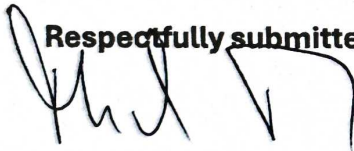
this case, and I do not want to miss the opportunity to secure they statements for trial.

4. **Request to Proceed Pro Se:** Given these circumstances, I believe it is in my best interest to represent my self to ensure that I can effectively participate in the discovery process and safeguard my legal position.
5. **Legal Basis:** as an individual, I have the constitutional right to self-representation under (rule l/law, e.g., 28 U.S.C. 1654 for federal cases relevant state rule). This request is made voluntarily and with full understanding of my responsibilities as a pro se litigant.
6. **No Prejudice to Other Parties:** granting this motion will not cause undue delay or prejudice to any party. I am prepared to comply with all court rules, deadlines and procedural requirements.
7. **Corporate Representation:** As per corporate defendant Rosso Uptown LTD, I understand that if it remains in the case, cannot proceed unrepresented, however, this motion pertains exclusively to my personal representation as I have no legal rights over the Corporate Defendant.

WHEREFORE, I respectfully request that the Court:

- a. Grant this Motion to Withdraw Counsel for myself, Michael Tizzano.
- b. Allow me to proceed pro se in this matter; and
- c. Grant any other relief the Court deems just and proper.

Respectfully submitted,



Michael Tizzano
Pro Se Defendant

CERTIFICATE OF SERVICE:

Joshua Epstein, Counsel for Defendants, via Email
Mr. Moser, Counsel for Plaintiffs, via Email
Mr. Massimo Gammella Co-Defendant, via Email.

Michael Tizzano

